

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:06CV22-01-MU

LARRY D. WALLACE,

Plaintiff,

v.

JAMES D. NORWOOD, et al.,

Defendants.

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ORDER

THIS MATTER comes before the Court for an initial review of Plaintiff's Complaint pursuant to 42 U.S.C. § 1983, filed February 1, 2006. After careful consideration, for the reasons set forth herein, Plaintiff's Complaint is dismissed.

Plaintiff has filed his Complaint against known and unknown deputy sheriffs in Lincoln County. Plaintiff alleges that these deputies illegally searched his house. Plaintiff asks this Court to order his criminal charges to be dismissed or that he receive \$ 150,000.00 in damages.

As Plaintiff requests this Court to dismiss his charges rather than a conviction, it appears Plaintiff is asking this Court to intervene in a pending state criminal proceeding. Pursuant to the Younger abstention doctrine, this Court must abstain from interfering in such matters. See Younger v. Harris, 401 U.S. 37, 45 (1971)(federal courts may not award declaratory or injunctive relief that would affect pending state criminal proceeding).

IT IS THEREFORE ORDERED that Plaintiff's Complaint is **DISMISSED**.

Signed: February 8, 2006

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

